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6 Attorneys for Defendants
 7 Wal-Mart Stores, Inc. (erroneously sued as
 “Wal-Mart”) and General Electric Company
 (erroneously sued as “General Electric”)

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

12 Indiezone, Inc., a Delaware corporation, and
 13 EoBuy, Limited an Irish private limited
 company,

14 Plaintiffs,

15 vs.

16 Todd Rooke, Joe Rogness, Phil Hazel, Sam
 17 Ashkar, Holly Oliver and U.S. Bank, collectively
 the ***RICO Defendants;***

18 Jingit LLC., Jingit Holdings LLC., Jingit
 19 Financial Services LLC., Music.Me, LLC, Tony
 Abena, John E. Fleming, Dan Frawley, Dave
 20 Moorehouse II, Chris Ohlsen, Justin James,
 Shannon Davis, Chris Karls in their capacities as
 21 officers, agents and/or employees of the Jingit
 LLC.,
Defendants in Negligence, and Aiding/Abetting;

22 Wal-Mart, General Electric, Target, DOE(s) and
 23 ROE(s) 1 through 10, ***Defendants in Negligence***
Secondary-Vicarious Infringement,

24
 25 Defendants.
 26
 27
 28

Case No.: 4:13-cv-04280-YGR

**DEFENDANTS WAL-MART STORES,
 INC. AND GENERAL ELECTRIC
 COMPANY’S NOTICE OF JOINDER AND
 JOINDER IN DEFENDANTS’ MOTION TO
 COMPEL ARBITRATION, DISMISS
 PLAINTIFF EOBUY, LIMITED AND
 STAY ALL REMAINING PROCEEDINGS**

Date: March 25, 2014
 Time: 2:00 p.m.
 Place: Courtroom 5

Compl. Filed: September 16, 2013

Honorable Yvonne Gonzalez Rogers

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on March 25, 2014 at 2:00 p.m. in Courtroom 5 of the
 3 above-referenced Court, which is located at 1301 Clay Street, Oakland, California, before the
 4 Honorable Yvonne Gonzalez Rogers, Judge of the United States District Court for the District of
 5 Northern California, defendants Wal-Mart Stores, Inc. (erroneously sued as "Wal-Mart") and
 6 General Electric Company (erroneously sued as "General Electric") (collectively, "Defendants") will
 7 and hereby do respond to plaintiffs Indiezone, Inc. and EoBuy, Limited's (collectively, "Plaintiffs")
 8 Complaint by joining in the *Motion of Defendants Rooke and Rogness to Compel Arbitration with*
 9 *Indiezone, Inc., Dismiss Plaintiff Eobuy, Limited and Motion of Remaining Defendants to Stay All*
 10 *Remaining Proceedings* (Dkt. No. 29) ("Motion to Compel, Dismiss, and Stay").

11 This motion is based on this Notice of Motion and Motion, the accompanying Memorandum
 12 of Points and Authorities, and all papers and pleadings on file in this Action.

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 Defendants hereby respond to Plaintiffs' Complaint by joining, and incorporating by this
 15 reference as if fully set forth herein, the Notice of Motion and Motion to Compel, Dismiss, and Stay,
 16 Memorandum of Points and Authorities in Support Thereof, proposed order, the arguments and
 17 supporting affidavits made thereto, and all related papers/pleading filed in this Action, filed by
 18 defendants Jingit, LLC, Jingit Holdings, LLC, Jingit Financial Services, LLC, Sam Ashkar, Phil
 19 Hazel, Holly Oliver, Shannon Davis, Justin James, Chris Ohlsen, Dan Frawley, Dave Moorehouse II,
 20 Tony Abena, Chris Karls, John E. Fleming, Music.Me, LLC, and U.S. Bank National Association
 21 ("Stay Defendants") and Todd Rooke and Joe Rogness, to (1) compel arbitration between plaintiff
 22 Indiezone and defendants Rook and Rogness; (2) dismiss eoBuy, Limited pursuant to Federal Rules
 23 of Civil Prcoedure 17(b)(2) and 12(b)(6), on the grounds that eoBUy Limited is a defunct Irish
 24 corporation with no capacity to sue; and (3) stay the remaining claims against the Stay Defendants in
 25 this action, including as to Defendants Wal-Mart Stores, Inc. and General Electric Company,
 26 pending the outcome of the arbitration against defendants Rooke and Rogness pursuant to 9 U.S.C. §
 27 3. That motion is brought on the grounds that all claims against all defendants in this action are
 28 wholly dependent on plaintiff Indiezone's arbitrable claims that defendants Rooke and Rogness

1 misappropriated trade secrets or other proprietary information of Plaintiffs.

2 **CONCLUSION**

3 For the reasons set out herein and in the incorporated joined papers, Defendants respectfully
4 ask the Court to compel arbitration between plaintiff Indiezone and defendants Rooke and Rogness,
5 dismiss eoBuy, Limited as a plaintiff, and stay litigation against the remaining Stay Defendants
6 pending the arbitration, including as to Defendants Wal-Mart Stores, Inc. and General Electric
7 Company.

8 DATED: March 11, 2014

9 REED SMITH LLP

10 By /s/ Robert N. Phillips
11 Robert N. Phillips (SBN 120970)
12 Paulo L. Sousa (SBN 288705)

13 Attorneys for Defendants
14 Wal-Mart Stores, Inc. and General Electric
15 Company